

## **MINUTES**

### **MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON RULES**

**Call to Order:** By **CHAIRMAN FRED THOMAS**, on April 24, 2003 at 10:10 A.M., in Room 335 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Fred Thomas, Chairman (R)  
Sen. Bob Keenan, Vice Chairman (R)  
Sen. Vicki Cocchiarella (D)  
Sen. Jon Ellingson (D)  
Sen. Jim Elliott (D)  
Sen. Bill Glaser (R)  
Sen. Duane Grimes (R)  
Sen. Dan McGee (R)  
Sen. Walter McNutt (R)  
Sen. Corey Stapleton (R)  
Sen. Emily Stonington (D)  
Sen. Bob Story Jr. (R)  
Sen. Jon Tester (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Greg Petesch, Legislative Branch  
Fredella D. Haab, Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: SB 407, 4/25/2003

**CHAIRMAN THOMAS, SD 31, STEVENSVILLE**, opened the meeting on SB 407. They were here because **SEN. JIM ELLIOTT, 36, TROUT CREEK**, has a question on SB 407 being on second reading today.

**SEN. ELLIOTT** assumption that there was no recommendation made by the Conference Committee or entertained by the Conference Committee or voted on by the Conference Committee and hence the Conference Committee was dissolved without making a recommendation. If the Conference Committee did not make a recommendation, then the last action that they took on that bill was the action they took before it was sent to the Conference Committee, which was to reject the House Amendments. That action still stands. They cannot vote on that again without suspending the rules.

**Ms. Rosana Skelton, Secretary of the Senate**, said the last action taken was to dissolve the Conference Committee which was done by the body yesterday. That was the last action.

**SEN. ELLIOTT** asked **Mr. Greg Petesch, Code Commissioner**, his opinion of the last action taken by the body on SB 407.

**Mr. Petesch** said he believed it was accurate that the last action was when the Conference Committee was dissolved.

**CHAIRMAN THOMAS** asked **Ms. Skelton** if they didn't make a motion yesterday that SB 407 be put on second reading today. She answered, "correct." So in essence the last action of the Senate was to do that.

**SEN. ELLINGSON, SD 33, MISSOULA**, said on a point of clarification, the Conference Committee did meet yesterday and on **SEN. GLASER'S, SD 8, HUNTLEY**, motion the Conference Committee, the Senate members of the Conference Committee, voted 2-1 to accept the disputed amendments in their entirety. Our rules provide, 30-30 sub 2 sub a, that this was a proper way for the Conference Committee to conduct business. It did make a recommendation but he didn't think aside from that clarification that it changed the point that **SEN. ELLIOTT** was making. The recommendation of the committee report was not moved to be adopted and the committee report, the adopted committee report, was not on second reading. There was no motion made to adopt the committee report, it was not read across the rostrum. The action they took yesterday in the Senate was simply to dissolve the conference committee and having dissolved the conference committee, actually he thought it was written on the committee report, a motion to place this on second reading today was made and adopted. The question was what could be on second reading if anything could be on second reading? Was it a bill as the "whole" or was it the House amendments that was previously rejected? If what was on second reading was the House amendments that we previously rejected, he thought that what they were asserting was that simply by moving and having the Senate adopt

your motion to place it on second reading, that constituted a reconsideration of our action in rejecting the House amendments. That was part of our rules. Proper procedure he would suggest was for a motion to adopt the committee report and that would be on second reading today and they could vote on it. That was according to the express language of our rules regardless of what some might say had been our past practice and he would disagree with any suggestion that it had been our past practice simply to dissolve committees. That was nothing he could ever remember happening in the past and he didn't believe if they examined the record that it would reflect that was something they had done.

**CHAIRMAN THOMAS** asked if there was a motion on the table?

**SENATOR ELLIOTT** said he didn't know if this was a proper motion in the Rules Committee. His understanding was that there are two proper courses of action that can be taken at this point. One was to reconsider their actions and to do that they must suspend the rules. The other was to refer it to another conference committee or a free conference committee. Have that committee report out and vote in each house upon that conference committee report.

**Motion: SEN. ELLIOTT moved THAT SB 407 BE TAKEN OFF THE SECOND READING BOARD AND RE REFERRED TO A FREE CONFERENCE COMMITTEE.**

**CHAIRMAN THOMAS** said **SEN. ELLIOTT'S** motion was that SB 407 be removed from second reading board and referred again to a Free Conference Committee. He asked for discussion on that specific motion?

**SEN. JON TESTER, SD 45, BIG SANDY,** said if they looked at the Joint Rules in Chapter 30 it spoke to what he thought had transpired here. "A conference committee, having conferred, shall report to the respective houses the result of its conference. A conference committee shall confine itself to consideration of the disputed . The committee may recommend: (a) acceptance or rejection of each disputed amendment in its entirety:" He didn't know if it were entirely proper they had a motion on the floor right now. We should just follow the rules.

**SEN. DAN MCGEE, SD 11, LAUREL,** asked if it were possible to in effect blast or to move a bill that was in a Conference Committee to second reading without a report from the Conference Committee?

**CHAIRMAN THOMAS** said in his opinion it was more than in order.

**SEN. MCGEE** stated that they took action yesterday to do two things. Number one was to dissolve the conference committee and

number two a motion voted on by the Senate and adopted by the Senate to put that bill on second reading. So it would no different that taking it from Senate Judiciary, for example, and putting it on second reading. Was that not correct?

**CHAIRMAN THOMAS** said it seemed correct to him.

**SEN. MCGEE** believed that they did have SB 407 properly before us because the body took action, and even if this Rules Committee was to rule a certain way today, that opinion could be appealed to the body of the Senate which could then rule by majority vote, whether or not SB 407 should be on the floor and on second reading. If that were the case, he thought they already did that yesterday?

**CHAIRMAN THOMAS** agreed that they had.

**SEN. TESTER** asked **Mr. Petesch, Code Commissioner**, if the body votes to reject the House amendments and it goes to a Conference Committee, was it a proper motion to blast that bill out of the Conference Committee and put it on second reading?

**Mr. Petesch** said it would seem inappropriate to me because it was a joint committee and one body cannot control the actions of a joint committee.

**SEN. STONINGTON, SD 15, BOZEMAN**, had another question for **Mr. Petesch**. If a committee was dissolved with no action, how was that considered taking action on a Bill?

**Mr. Petesch** said he didn't believe it was.

**SEN. STONINGTON** said, therefore, if the committee had been dissolved and no action had been taken on SB 407, that was not acting on SB 407. There were two motions.

**CHAIRMAN THOMAS** said the motion yesterday was to dissolve the Conference Committee.

**SEN. STONINGTON** commented so that was not taking action on the bill.

**CHAIRMAN THOMAS** said secondly the motion was done to put the bill on second reading. The House amendments to that bill on second reading. The bills stayed in the purview of the Senate. It never left the Senate. We had the bill in our possession and certainly the Senate had it so it can move that bill and put it on second reading.

**SEN. STONINGTON** said the point was that if the action taken yesterday by the Senate was to dissolve the Conference Committee and no action was taken on the bill, then the most recent action taken on the bill was to reject the House amendments several days ago.

**CHAIRMAN THOMAS** said the bill just stays with us. He didn't understand what her point was.

**SEN. MCGEE** thought **SEN. STONINGTON** asked the question of **Mr. Petesch** if whether or not dissolving a Conference Committee constituted action on the bill and his response was "no in his opinion it did not. He wanted to ask **Mr. Petesch** if voting to put it on second reading constituted action on the bill?

**Mr. Petesch** said it was not action on the bill, that was a motion that would allow you to take action on the bill.

**SEN. STONINGTON** said what **SEN. ELLIOTT'S** motion pertained to was what the options were before the body with regard to SB 407 and he claimed that because the most recent action was several days ago, the choices were either to reconvene a conference committee and take action on the bill and then have the action of that conference committee voted on both houses of the legislature, or for the Senate to suspend the rules in order to reconsider their actions because action had not been taken within 25 hours or within one legislative day on the bill. That was what **SEN. ELLIOTT** was claiming and that was why my questions to **Mr. Petesch**.

**CHAIRMAN THOMAS** said it seemed to him that the actions that we had taken that the conference committee report in essence was asked to be dissolved and that the House amendments be accepted by the Senate. That was what he saw took place yesterday.

**SEN. ELLIOTT** said it was his understanding, and he didn't know if the Conference Committee had to be dissolved, that the Conference Committee did vote on a recommendation which was signed by the appropriate members of the House and Senate committee members. They did vote a recommendation on SB 407. At some point by some whim or desire, the committee was dissolved. He didn't know at whose request. The action of the committee, had it not been dissolved, would have been to recommend that the House amendments be adopted and that would be the Conference Committee report and that would have been what they voted on. The Conference Committee was dissolved and no action taken on the bill. A motion was nothing more than to follow the rules. He did not believe that the rules had been followed. With consultation with **Mr. Petesch**, he was convinced of this. If it were inadvertent,

but if the rules were skirted to avoid what would be a perilous vote in the House of Representatives that was not an appropriate reason.

**SEN. ELLINGSON** had two questions for the chair and one for **Mr. Petesch**. Do they have a copy of the committee report and could they see it. He would offer that the committee report did not request to be dissolved, number one. Number two, he would offer that the motion to place SB 407 on second reading and it was entirely ambiguous as to your intention, **MR. CHAIRMAN**, to place the House amendments on second reading. But, that was not the motion. The motion was to place SB 407 and in which case if we had by some reason adopted a position that SB 407 was going to be on second reading, then he didn't know what form SB 407 was on second reading. Was it without the House amendments, was it with the House amendments? He found it disturbing that there was a conference committee report in existence and they are talking about what the conference committee did and we don't have that report in front of us. You have instructed **Ms. Skelton** not to find it.

**CHAIRMAN THOMAS** answered the second question. The motion yesterday was to place the House amendments to SB 407 on second reading today.

**SEN. ELLINGSON** would like to look at the Conference Committee report to see if that was right.

**CHAIRMAN THOMAS** said the Conference Committee report was not the motion he made. The motions he made were as they were.

**SEN. ELLINGSTON** said he would challenge the record on that. **Mr. Petesch** was asked if he believed that SB 407 was properly in front of the Senate on second reading today in accordance to our rules?

**Mr. Petesch** said he did not for the reasons that he had put in writing and he believed a result of voting on the House amendments today would result in the exact situation that that occurred in the House where you have a Committee of the Whole motion made to reject the House amendments that were adopted and then if the accept those House amendments today, you will have a Committee of the Whole motion to accept them you will have two things, one of which was not reconsidered. So you will have conflicting motions adopted by the body on different days on the same exact issue. That was what caused a problem in the House on this very same bill.

**SEN. VICKI COCCHIARELLA, SD 32, MISSOULA**, felt like this issue was huge given what had gone on in the session and seeing that people don't have a grasp of the process with loss of memory and the institutional knowledge they used to have. She tended to side with the motion of **SEN. ELLIOTT'S**, but she would like to know how they could move forward in this process and recognize a need for their rules and their procedures to be followed to get SB 407 in a place where they can deal with that bill. That would be her goal in leaving the Rules Committee today. She did disagree that his motion was to put the House amendments back on and would like to see the record also that said it. That was not a motion she heard or remembered hearing. She thought it goes for all of us, our memories aren't good in times of stress. What can they do and how can they agree here to go forward and that was what she thought was the most important thing they were doing at this moment.

**CHAIRMAN THOMAS** said he appreciated her comments but as he said on the floor when you talk to different people on how to follow these rules, there are different opinions. He rejected any thought that they were not following their rules as best as they can, number one. Number two, because there was a legitimate disagreement between the Secretary of the Senate and the Code Commissioner on these rules was just that. There are other disagreements on how the rules applied and followed. He remembered being chastised by **SEN. MIKE HALLIGAN, MISSOULA**, and **SEN. GREG JERGESON, CHINOOK**, for not following what they thought was precedence. Even though at that point in time he reviewed them clearly with the Code Commission, **Mr. Petesch** and got chastised for not following, even though they were trying to follow them specifically. Who was right? He didn't know. Maybe **SENS. HALLIGAN and JERGESON** were right but they did what they thought was as correct as possible at that time. There were no specific way that the rules deals with every specific way to do every specific thing. Motions were in order and we had done that, and it was his genuine opinion, that you can handle a conference committee in more than one way. That doesn't mean that they weren't following the rules. The rules don't specify exactly how every single thing was done. Motions were made that were made yesterday. He understood what she was saying and it was his assessment that the motions that were made yesterday handled this issue just fine. It was based on good opinions within the Senate discussions and agreed that there was disagreement amongst our best advisors. He acknowledged that there was a disagreement within our best advisors. Whose right? He really didn't know and he didn't care at this point. They had this session to get over and this bill will be properly handled on second and third reading and further there on out in his assessment. How we can move forward? He thought it was by

voting on this motion of **SEN. ELLIOTT'S** and depending on the outcome of it, they could probably go back to the floor and deal, based upon the outcome of this vote.

**SEN. COCCHIARELLA** said she just wanted to respond to that. She realized that after 87 or 88 days that she was in the minority. She had been in the minority for a few sessions here. She knew how the majority can vote and she knew that this Rules Committee will vote the way you wish it to and they can go back to the floor and have a fight and the majority can vote on that one also. She really thought that the integrity of our Rules were in question and not necessarily how you've decided but they should have reconsideration of the action taken once to reject the amendments, she thought they need at least have a motion to reconsider so that was in the record. They did one thing and now they are going back to do the exact opposite. That was what she heard **Mr. Petesch** say. She would like to ask **Ms. Skelton** how she reacted to one action taken that rejected the amendments and now it was up again without a reconsideration motion? How can you justify rejection and without reconsideration vote on them again?

**Ms. Skelton** said the action of the Conference Committee was to adopt the House amendments. That issue, you can always revisit an issue if the motion of the body allows it. The only difference between what they were doing today and what we would not have been doing if they adopted the Conference Committee instead, would be that both houses would have to adopt the conference committee. This way, only the Senate had to adopt the House amendments. The House had already adopted the amendments. Now only the Senate had to adopt the House amendments. You don't need their approval to adopt the House amendments if you dissolved the Conference Committee. She could remember this had been a standard practice done many times down through the years where, in this case, the conference committee did agree to adopt the House amendments. A lot of times the Conference Committee can't agree and the only thing left for us to do was to dissolve it and go back and adopt the other house's amendments which was something they didn't want to do originally but they can revisit that after they had attempted to do these other things. Just like, SB 407 was on the floor, it was back to the committee, it was back out. You revisit the issue as many times as the body was willing the revisit it. It came out of committee again, it was on the floor again and they voted on it. That was a constant thing. You amend it and if they don't like the amendment you go back and you amend it again. You can have the question on the floor many times.



**SEN. COCCHIARELLA** said she didn't disagree with anything you just said. She would just like her opinion regarding the need to reconsider. Once you have taken a negative vote, we don't have a conference committee report in front of us, and she understood the motivation of that. It was very apparent to her that they can't get the bill through the House on a conference committee again. She knew the motivation but the issue was reconsideration. Once they had taken action and rejected the amendments and now it was in front of them again without reconsideration, she didn't know how they could take that action without having that motion in front of us.

**Ms. Skelton** said in her view it was before the body because the body passed a motion yesterday to put the House amendments on SB 407 back on second reading. That motion passed by the full body and now it was on second reading. She didn't think there was anything illegal about it. The motion was duly passed by the body. The body can always do what the body wanted as long as the body voted on it.

**SEN. ELLIOTT** could not remember the Senate voting on the House amendments on SB 407 on second reading. He did remember voting on SB 407 but not the House amendments on SB 407. He knew that there was a conference committee report ready to be read across the rostrum. Signed and ready to be read.

**Ms. Skelton** said it wasn't signed actually. It was prepared but not signed.

**SEN. ELLINGSON** said the conference committee report that he saw twice was signed by all members except myself and he repeated his request to the chairman, since this was an evidentiary issue, that we have the opportunity to look at the conference committee report. It did not have his signature.

**Ms. Skelton** said there were some signatures.

**SEN. ELLIOTT** said there was a punitive conference committee report.

**CHAIRMAN THOMAS** said it was his memory that **SEN. BOB DEPRATU, SD 40, WHITEFISH**, had held back signatures from the majority of the Senate when he looked at the conference committee report that they had prepared. After our motions were made it was signed by the majority of the members. He will need to tell us what the specifics of that were. He thought that you were correct at this point and time that there was a majority of members signing that conference committee report. He did not doubt your assessment of that. Time wise that was what he remembered happening.

**SEN. ELLINGSON** questioned **Ms. Skelton** that wasn't it a fact that at least a copy of that report was given to you and wasn't it a fact that you made notations on that report as to what motions were made. **Ms. Skelton** answered yes. Mr. Chairman, we have been talking what was on the committee report and what wasn't on the conference committee report and we have the document available, he just didn't understand why they can't have an opportunity to look at it.

**CHAIRMAN THOMAS** said the conference report was not the issue. It didn't seem to him that was the issue. It switched them off the motion **SEN. ELLIOTT** had made.

**SEN. ELLINGSON** stated that with all due respect representations had been made as to what was or wasn't on the conference committee report. It seemed to him that it was very pertinent for the motion of **SEN. ELLIOTT'S**.

**Substitute Motion:** **SEN. STAPLETON** made a substitute motion **THAT THE SENATE RULES COMMITTEE CONFIRMED THAT SB407 WITH HOUSE AMENDMENTS WAS PROPER AND CORRECT IN FRONT OF THE SENATE ON SECOND READING.**

**SEN. ELLIOTT** stated that before **SEN. COREY STAPLETON, SD 10, BILLINGS**, made this motion, he had the floor and he had deferred to **SEN. ELLINGSON** but he did have some further questions to ask him. What was the impetus for dissolving the Conference Committee? Was that a request of the Conference Committee?

**CHAIRMAN THOMAS** wanted to know how to get this done? There were different opinions given and as to how to do it.

**SEN. ELLIOTT** asked, "to get what done?"

**CHAIRMAN THOMAS** said to adopt the House amendments on SB 407. The version that was accepted to follow was to move to dissolve the conference committee on SB 407 and then move to have the House amendments to SB 407 be placed on second reading.

**SEN. ELLIOTT** asked if he consulted with the Code Commissioner before this was done.

**CHAIRMAN THOMAS** said he did.

**SEN. ELLIOTT** said there was a perfectly good way of resolving the issues which was to accept the Conference Committee report by the House and by the Senate which was proper procedure, standard procedure according to the rules. That was not chosen. It could

have been chosen not for only one reason. That was to avoid a vote in the House of Representatives. He thought that it was an improper use of power and he knew that he had the power but the rules are also made to protect the minority. We represent citizens of Montana as well and we have the right in the laws of the State of Montana and the Rules of the Montana State Legislature to be allowed to represent their view points as they see fit. He thinks this abrogates our right to do that.

**CHAIRMAN THOMAS** told him that he had expressed his opinion. That was your opinion as to what was the correct way to handle this process. He, under consultation, with some of our best decided it was fine to move forward in this way. Your opinion as to that not being the best way was not an absolute. Neither was mine. It was up to this body, this committee and the Senate as to how it handles this. He repeated again as he did on the floor, that he thought there were other ways to handle this issue than just your way or the other way it had been followed this day. He didn't want to make this as you have indicated that this was a partisan charge that this was some sort of abusive power and he didn't agree with that. He thought this was an exercise of passing bills through the legislature and following proper procedures that they had done. He knew **SEN. ELLIOTT** had a different opinion on it and he respected his opinion immensely but the charge of using our power just to do that would be a counter charge that you were just doing that for political purposes and he was not going to make that charge.

**SEN. ELLIOTT** said he was doing this for the political purpose of representing my constituents. That was his political purpose. My way was to follow the rules of the Montana Legislature. That was what he wished and he would like to ask you what the recommendation of the Code Commissioner was?

**CHAIRMAN THOMAS** said the Code Commissioner thought that the Conference Committee should be adopted and that then the recommendation to be place on second reading and to be really blunt with you, either way it was the same result as happening.

**SEN. ELLIOTT** asked **Mr. Petesch** if that was what he remembered recommending.

**Mr. Petesch** answered yes.

**SEN. ELLINGSON** had a further question for **Mr. Petesch**. We have heard the representation made that this was a procedure which the chair was recommending was one that had been followed numerous times in the past. He had only been around here for less than ten years and my institutional memory was not very long. He

couldn't recall it ever being done in the past but his memory could be faulty. In any event it doesn't go beyond ten years. In your recollection was this a procedure which had been followed in the past in an apparent disregard of our rules?

**Mr. Petesch** said he was not familiar with this procedure being followed. That does not mean it did not happen. It could have done without consulting him. He would have recommended against it.

**SEN. ELLINGSON** wanted to bring the committee up to date he had received a copy of the Conference Committee Report. It was signed by **CHAIRMAN DEPRATU, SEN. GLASER, REP. RON DEVLIN, HD 3, TERRY, AND REP. JOE BALLYEAT, HD 32, BOZEMAN,** and the amendment coordinator. The recommendation was that the House amendments be adopted and that the Conference Committee be adopted. A notation appeared on the report that the committee was dissolved by motion and the bill will be on the second reading tomorrow.

**CHAIRMAN THOMAS** said it would be marked as exhibit A.

**EXHIBIT (rus87a01)** Conference Committee Report on Senate Bill 407.

**SEN. COCCHIARELLA** asked **Ms. Skelton** to provide them a copy of the Journal from yesterday to see the motion. She just made a request of our aide and he was told he couldn't have a copy because they were still editing it. She would really like to see what it was they voted on yesterday because she didn't remember the motion being made. If they are standing on the motion made yesterday that they voted on, putting the House amendments on second reading, then it seemed very obvious that the motion would be very clear in the Journal in writing as it came across. It would just take us longer to get a copy of the TV version of what happened but they could do that too, if they needed to.

**CHAIRMAN THOMAS** asked **Ms. Skelton** if she could provide that for anyone who wanted one.

**Ms. Skelton** said she could provide it for anyone.

**SEN. STONINGTON** had a question for **Mr. Petesch**. At this point, if the minority felt that the rules were being used improperly, does the minority have any recourse?

**Mr. Petesch** said they were exercising it,

**SEN. ROBERT STORY, SD 12 PARK CITY,** asked for the question.

**CHAIRMAN THOMAS** said there was a call for the question.

**SEN. ELLIOTT** said he had asked this before but couldn't remember the answer. Who made the recommendation to dissolve the Conference Committee?

**CHAIRMAN THOMAS** said the Secretary of the Senate.

**SEN. TESTER** said he thought it had been alluded to as the conversation had gone on, it was more than just an interpretation or a disagreement on what goes on here. He thought that quite frankly the discussion he had heard here today and with the advent of the elder legislatures leaving this place, he thought it was incumbent upon to do our best to follow the rules as accurately as they can. He just wanted to point out to whoever wanted to listen that the Code Commissioner was in full agreement with their objections to what has transpired.

**SEN. MCGEE** had a quick question about the procedure that was adopted yesterday or whatever. Have you accepted **SEN.**

**STAPLETON'S** motion? So the question he would have would it be proper for us to entertain a motion to suspend the Senate Rules for the purpose of clarifying this particular issue so that they have a parliamentary protocol etc. so that the minority would at least not have the objection that they were riding over the top of our rules? He was just asking a question.

**CHAIRMAN THOMAS** said that was certainly possible but it was not within the motion.

**SEN. GLASER** said it appeared to him that we are beating up against the mother of all rules and that was the rule that says a rule is virtually repealed from the occasion when it was designated by those who have the power to control it, and the act of breaking it, is at least the suspension of it. So in fact, your motion yesterday without objection put the bill on second reading today. And if there are any question, the mother of all rules, page 25, section 15, sub 3, covered the situation.

**SEN. ELLIOTT** said just so he was perfectly clear. There was a committee report and you knew there was a committee report being prepared and the Secretary of the Senate recommended the committee be dissolved.

**CHAIRMAN THOMAS** had strong opinions on the handling of this issue and he thought that either way of handling it was fine and in this case it was more than proper the way it was done. The way you have characterized it was correct that the question was how to handle this. The purpose of the committee's action was to put

the House amendments on SB 407 on second reading. At first all he saw was motion had prepared and made, the motions he made yesterday. Through consultation there was concern that we ought to do it through committee report, etc. Further consultation lead to the thought that no they can do it this way with the motion and that was the final action taken yesterday. During all that the committee report was prepared and ultimately the motions he made were done. In my assessment from my memory the time line before the Senators had signed the committee report, he didn't know if that mattered, but that was what he remembered as of yesterday.

**Motion/Vote:** SEN. STAPLETON moved ACTIONS TAKEN YESTERDAY WERE PROPER AND CORRECT AND THAT HOUSE AMENDMENTS TO SB407 ARE IN FRONT OF U . Motion failed 8-5 with COCCHIARELLA, ELLINGSON, ELLIOTT, STONINGTON, and TESTER voting nay.

**CHAIRMAN THOMAS** said the motion passed 8 yes and 5 no. The motion passed.

**SEN. COCCHIARELLA** asked a question if the State Employee State Bill was on the board again. Could you tell her why it was there? Had the Free Conference Committee met and had there been a report or why was it there?

**SEN. THOMAS** said that by their action yesterday they didn't send that bill anywhere. He thought all they did was to move to reconsider our action yesterday.

**Ms. Rosana Skelton** said there was a motion made to reconsider it and place it back on second reading.

**CHAIRMAN THOMAS** said it was his intent that they pass that today and not act on it. They wanted to keep that bill in case there was something else needed. They didn't take further action by motion other than reconsidering our second reading and they put it back on second reading.

**CHAIRMAN THOMAS** adjourned the meeting.

**ADJOURNMENT**

Adjournment: 11:00 A.M.

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SEN. FRED THOMAS, Chairman

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Fredella D. Haab, Secretary

FT/FH

**EXHIBIT (rus87aad)**